IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1564 OF 2003

IN

SUIT NO. 783 OF 1987

Behram N. Gamadia
& Anr. .... Plaintiffs.

vs.

Samarathmal Phoolchand
Seth. ..... Defendant.

And

Oomer Ahmed .. Applicant.

Ms. Bharti Singh i/by J.P. Singh for applicant.
S. Mehta i/by A.R. Mehta for plaintiff.
Mr. Mahendra Ghelani for Defendant.

CORAM : S.U.KAMDAR, J.
DATE : 15th MARCH, 2005.

P.C.

. The present chamber summons has been taken out by the applicant to implead him as a party defendant no. 2 in the suit. The suit is filed by

the plaintiffs against the defendant for dissolution of accounts of the partnership firm. The applicant is also claiming to be the partner in the said suit partnership firm. The plaintiffs and the defendant say that the applicant has already retired under a deed of retirement and he is no more concerned with the said partnership firm. The deed of retirement is challenged by the applicant herein. In the aforesaid circumstances unless the rights of the applicant are decided about the validity of the retirement deed, the applicant cannot be impleaded as a party defendant in the suit. It will be open to the applicant to file his own suit and claim the right, title and interest in the partnership firm and to challenge the retirement deed if in law so advised.

2. In so far as the plaintiffs are concerned, the learned counsel appearing for the plaintiffs makes a statement that they will give copies of the deed of retirement including the reconstitution of the said partnership and copy of the plaint in Suit No. 783 of 1987 within a period of two weeks from toady to the Advocate of the applicant herein. Chamber summons disposed of accordingly. No order as to costs.